on the sides of the roads leading to Suchindram, Mandacaud and Kumaracovil in South Travancore, sitting in rows and exciting the pity and sympathy of the passers-by by exposing the leprous condition of their bodies and their deformities. I have also seen lepers bathing in public tanks, and leper women taking water from village wells and selling sweatmeats, as if nothing were the matter. On public occasions, these people move very freely with other people, and no one dare speak or hint about the nature of the disease they are suffering from. It has also been my lot to sit side by side with leper vakils and sometimes to appear before leper officials too. The Bill does not say a word about these classes of people, perhaps for the reason that to purge the service and the bar, no legislation is necessary as the Government and the High Court have already the power to do so. It is a great concession, in my opinion, that the scope of the Bill is restricted to urban areas, for I believe it is there that the necessity is great. It might appear at first sight to a casual observer that the Bill is an unnecessary interference with the liberties of His Highness' subjects. But a little reflection will convince an unbiassed mind that curbing the liberties of particular individuals is at times necessary to maintain the growth and prosperity of society at large. In fact, society implies restriction of individual liberties to suit the convenience of the whole.

As for the definition of the word "leper," my learned friend has chosen the point of 'ulceration' to be the minimum standard. I am not satisfied with this limit. I would widen the scope of the Bill by reducing the standard. I have often come across persons who, under cover of gown and boot, pass for educated men and move freely in society, but whose bodies emanate, nevertheless, at a few feet distance abominable smells which, doctors say, signifies the presence of leprosy in the system. The disease in such bodies may never come to the stage of ulceration at all, but nevertheless the danger to society is no way lessened. Their fingers and toes get 'cribbed' and shortened, and the fingers can hardly hold a pen between them. As to the contagious nature of such bodies, Lord Bacon, the greatest statesman and philosopher of England in the days of King James I, says.—"As in the law of leprosy where it is said, if the whiteness have over-spread the flesh, the patient may pass abroad for clean; but if there be any whole flesh remaining, he is to be shut up for unclean, one noteth a principle of nature, that putrefaction is more contagious before maturity than after* * *." For these reasons, I would advise a modification in the definition of the word 'leper', but if my learned friend the Mover is not inclined to agree, I do not wish to press the matter but shall surrender to his mature knowledge and judgment. There are some minor omissions here and there in the sections relating to the nature of the custody of lepers and other matters, which may be better dealt with by the Select Committee, and so I stop here.

The Council having affirmed the principle of the Bill, Mr. Thanu Pillai proposed that the Bill be referred to a Select Committee consisting of Messrs. Kunhiraman Nair, Rajarama Row, Sivasubrahmonia Pillai and the Mover, to report within three months.

Seconded by Mr. Poonen.

Carried.

## THE CIVIL COURTS REGULATION AMENDMENT BILL.

Mr. Thanu Pillai.—In regard to this Bill, I have only to observe that a letter has been received from a Vakil at Quilon, Mr. K. Padmanabha Pillai, in which he points out that under the rules framed by the High Court under section 3 of the Suits Valuation Regulation, certain classes of suits, such, for instance, as those relating to the removal of Karnavars, Managers or Trustees of religious institutions or charities, suits for divorce, restitution of conjugal rights, &c., are assumed to be of the value of Rs. 1000, and enquires whether, by this Bill, it is intended to transfer suits of this description to the Munsiffs' courts. It seems to me that the matter is not for this Council to consider, but if the High Court think that the rules referred to require any modification, they will doubtless take steps to amend them. I simply mention this here, as I think the letter from the Vakil contains an important point,

LIBRARY ARCHIVES Kerala Legislative Assembly

I beg to move that the Bill be passed and that it come into force on the 1st Vrichigom 1077.

Seconded by Mr. Dharmaraja Iyer.

The motion was put and agreed to.

## GUARDIAN AND WARDS BILL.

Mr. Kunhiraman Nair.—The Guardian and Wards Bill was introduced more than two years ago and referred to a Select Committee whose Report was presented to the Council on the 1st September 1900. The motion for taking that Report into consideration has, I understand, been deferred as it was thought that the consideration of the Report should be taken up only after the Civil Procedure Code Amendment Bill now before the Select Committee is gone through. On looking over the Bill which has recently been put in my charge, it struck me that the measure, though on the whole beneficial so far as it goes, does not satisfy fully the present day requirements of this State in the matter of legislation for the protection of the property of incapacitated persons. The Bill confines its provisions exclusively to the care of the person and property of minors, and no provisions for the care of the property of lunatics or persons of unsound mind have been enacted. The principle underlying legislation of this sort is that it is the right and duty of the sovereign power to protect the property of all disqualified persons, and it is, I believe, an undeniable proposition that the interests both of minors and of lunatics call for special protection as both these classes are deemed unfit to manage their affairs. The British Indian Statute Book presents evidence of the efforts made by the Indian Legislature, from time to time, to adequately safeguard the interests of both these sets of incapables. Besides the local Regulations and Acts constituting the Court of Wards for the different provinces in British India, dealing with estates of very large value there are several Acts making provision for the care of the property of lesser value, belonging to those who by reason of immature age or of mental imbecility are unable to protect their interests. The British Indian Act of 1890, on the lines of which the present Bill was framed, dealt with all classes of minors including European British Subjects for whom, however, this Council is precluded from legislating by the terms of the Legislative Council Regulation of 1073, section 12, clause (*f*), while the Acts XXXIV and XXXV of 1858 dealt with the estates of lunatics. The existence in the Indian Statute Book of Act XXXV of 1858 perhaps accounts for the omission of lunatics in the subsequent Act of 1890, but we have no law applicable to the lunatics' estate in our Statute Book, and though the Hindu and Mahomedan as well as the English law lays down certain general principles regarding the relationship of guardian and ward, the application of those general principles is not regulated here as in British India by any special enactment. The want of an enactment dealing with the property of minors and lunatics, not being European British subjects, is much felt here. Several cases that came up before the Courts have illustrated the injurious effects of the absence of any statutory law for the protection of the property of disqualified persons and the High Court, in its letter dated the 10th March 1893, strongly advocated legislation not only for minors' but also for lunatics' estate. No valid reason exists for confining the legislation to the person and property of minors to the exclusion of the property of lunatics or persons of unsound mind. Both are incapable of making valid contracts and are exempt by law from civil liability for their acts and the interests of both need safeguarding. The present Bill is the first attempt to introduce a well-recognised system in the administration of the property of disqualified persons, and the omission from the Bill of provisions touching the estates of lunatics would render the legislation wholly imperfect. We might supply the omission by introducing a separate enactment dealing with the estates of lunatics, but to do so, when the same object would be gained by inserting in the present Bill a few supplementary provisions, modelled with reference to corresponding legislation in British India as embodied in Act XXXV of 1858, would simply be to lay ourselves open to the charge of over legislation. The advantage of having the whole law embodied in one enactment is obvious, and piece-meal legislation is to be avoided if possible. The interests of a progressive administration demand the enactment of proper provisions for protecting the estates of lunatics and minors, and both these classes

LIBRARY ARCHIVES Kerala Legislative Assembly